Remarks/Arguments

Claims 1-34, 51-68 and 89-95 are pending in the application. Claims 35-50 and 69-88 have been cancelled. Claims 1-34, 51-68 and 89-95 are rejected.

Claim 29 is missing. For ease of referencing the claims in the following remarks, Applicant requests that the claim numbering be kept as it is. If the Examiner determines that all claims are in condition for allowance, Applicant will then renumber the claims in accordance with 37 CFR 1.126. The Examiner is hereby authorized to enter such amendments by Examiner's amendment at any time.

Claims 21 and 25 are duplicates and 30 and 31 are duplicates. Amendments have been made to change the dependency of a duplicate in each set, eliminating the duplication of the claims.

Although not objected to, claim 51 has been amended to clarify which processing modules are referenced.

Claim Rejections under 35 USC §112

Claims 54 and 55 were rejected under 35 USC 112, second paragraph, as lacking antecedent basis for the phrase "online transaction". The claims have been amended to change dependency and use terminology from the base claims.

Claim Rejections under 35 USC § 102

Claims 1-5, 7-11, 13-15, 17-19, 21-23, 25-57, 30-34, 51-68, and 89-93 are rejected under 35 USC 102(e) as being anticipate by Papierniak et al (USP 6,128,624).

Applicant respectfully requests reconsideration of this grounds for rejection as the present invention may be readily distinguished over Papierniak. The present invention does this by providing a number of processing modules that are unique to a thru-flow system and methods.

All independent claims require two or more of "a statistical analysis processing module; a data stabilizer processing module; a saturation limited forecasting module; a dynamic activity-level icon module; and an alarm filter module". Applicant will demonstrate that Papierniak does not disclose the two or more modules as taught and claimed in the present invention.

Data Stabilizer Processing Module

The definition of this module is indicated at pages 42-56, and in particular at page 44, lines 12-14 of the application. In accordance with this disclosure, the claims have been amended to recite that data stabilizer processing module is "for smoothing noisy or variable data using a computational solution of a minimum variance Bayesian estimation method". All independent claims have been amended to reflect this definition. Papierniak does not in anyway teach or suggest a data stabilizer so defined. What the Examiner considers to be a data stabilizer are "indexing and formatting via tracking module 300, [per] Figure 7". However, Fig. 7 and associated text do not mention indexing and formatting. Papierniak at Col. 13, line 37-39 mentions indexing and formatting, but does not explain what is meant or how it is done. In any event, indexing and formatting data do not equate to or require data stabilization, as defined in the claims of the present invention. If the Examiner continues to maintain that Papierniak discloses the claimed data stabilization, Applicant requests that the Examiner more specifically explain how indexing and formatting constitute the claimed data stabilization.

Saturation Limited Forecasting Module

The definition of this module is indicated at pages 61-68, and in particular at page 61, lines 19-22 of the application. In accordance with this disclosure, the claims have been amended to recite that the data stabilizer processing module is "for using available historical or recently captured data along with an estimated and/or available saturation population function as the basis for an algorithm that defines the growth of the population to a maximum attainable level." The Examiner has not cited any passage or Figure in Papierniak that discloses a saturation limited forecasting module. If the Examiner continues to maintain that Papierniak discloses the claimed saturation limited forecasting module, Applicant requests that the Examiner more specifically identify what in Papierniak constitutes any such disclosure.

Dynamic Activity-Level Icon Module

The definition of this module is indicated at pages 68-73, and particularly at page 68, lines 26-29. In accordance with this disclosure, the claims have been amended to recite that the dynamic activity icon is "for iconically indicating to the user of a remote computer system a level of activity at a predetermined network site". What the Examiner considers to be a dynamic activity-level icon module is web tracking module 300 in Papierniak, as described at an unspecified location in Col. 16. However, nothing in Col. 16 teaches the use of an icon that indicates to user of a remote computer the level of activity at another location, as claimed. In Col. 16, there is mention that data may be captured, such as hits to a site. However, there is no teaching that such captured data is presented in an iconic form representing a level of activity. (Icon is defined in the Specification as a graphical or other representation of activity—see pages 67-71.) If the Examiner continues to maintain that Papierniak discloses the claimed dynamic activity-level icon module, Applicant requests that the Examiner more specifically explain how anything in Papierniak constitutes the claimed module.

<u>Alarm Filter Module</u>

The definition of this module is indicated at pages 56-61, and particularly at page 56,

lines 17-19. In accordance with this disclosure, the claims have been amended to recite that

the alarm filter module is "for to monitoring data rates and sending a signal based on deviations

from desired thresholds from a normative rate." What the Examiner considers to be an alarm

filter module is "policy and operation parameters for collection via tracking module 300...

column 13, lines 10-16. However, this disclosure does not mention monitoring data rates or

sending a signal based on rate deviations.

Applicant notes that the original claims, when read in light of the specification, clearly

distinguish over Papierniak, alone or in combination with the other cited reference. It appears

that the present rejections were made without a sufficient reading of Applicant's specification

and adherence to the principle that claims must be interpreted in light of the specification. The

claims are amended to incorporate definitional information from the Specification for the

Examiners' convenience.

Independent claims 1, 8, 51, 89, 90 all require at least one of the foregoing patentably

distinct modules. Accordingly, all independent claims and their directly or indirectly dependent

claims are patentable and should be deemed allowable.

Claim Rejections under 35 USC § 103

Claims 6, 20, 24 and 28 are rejected under 35 USC 103(a) as being unpatentable over

Papierniak et al (USP 6,128,624) and alleged common knowledge. Claims 12, 16, 94, and 95

are rejected under 35 USC 103(a) as being unpatentable over Papierniak et al, in view of

Sundaresan (US Pat. App. 2003/0033299). Papierniak does not disclose all elements of the

claims independent claims from which these claims directly or indirectly depend. Therefore, a prima facie case of obviousness has not been made.
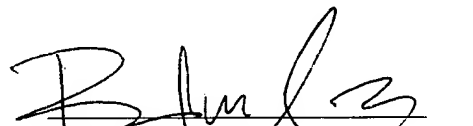
(In view of the foregoing reasons for distinguishing over the cited references, Applicant has not raised other possible grounds for traversing the rejections, and therefore nothing herein should be deemed as acquiescence in any rejection or waiver of arguments not expressed herein.)

CONCLUSION

Applicant submits that in view of the foregoing arguments and/or amendments, the application is in condition for allowance, and favorable action is respectfully requested. The Commissioner is hereby authorized to charge any fees, including extension fees, which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

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